9. Introduction of the Colour-box system of Voting.

* **Mr. E. Ikkanda Warriar** *(Urakam)*.—Sir, the resolution standing in my name runs thus:

"This Council recommends to the Government to introduce the colour box system of voting for the next General Election to the Legislative Council."

Sir, the secrecy of vote is one of the most valuable privileges that a voter should have if we want to work any democratic institution in a successful manner. I do not think that I should explain the various implications of it or the history of the present system of vote by ballot. Students of history are quite familiar with it and I do not, therefore, propose to deal with it at length. The rules as they now stand enable some who are not really unable to record their votes to give their votes openly or to the knowledge of the candidates. In other words, it is possible under the existing rules, though in a subtle way, to bring pressure or other undue influence upon the voters to vote in a particular way. I am referring to rule 35 (a) regarding what is generally known in common parlance as the open vote. It is enough if a voter goes and tells the Polling Officer that he is unable to record his vote, that he has not brought his spectacles or that he is nervous and all these excuses are generally brought forward when actually pressure is brought upon that voter for a particular candidate. I am sure this House also is well aware of how some persons in position—even some Government servants who took some interest which they ought not to have taken in the last election—behaved during the last election. I have brought it before the notice of the House and I hope such things will not recur, particularly now when we have to work a constitution which His Highness has been graciously pleased to give us. If we want to work it successfully in the spirit of goodwill in which it was offered to us, we have to enforce the secrecy of vote. I am sure Government will do its utmost to see that no officer goes out of his way as some did on the last occasion. It was only yesterday that we heard from the Presidential Chair that the Government is equally anxious as the Hon'ble Members to see that it is worked out successfully and requires the hearty co-operation and goodwill of the Hon'ble Members. All the same it will be very difficult for the Government to control it and to see that the vagaries of all persons, not necessarily of Government servants,

* Speech not corrected by the Hon'ble Member.

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are stopped and that no pressure also is brought upon the voters. I, therefore, say that the system of colour box voting. . . .

Mr. K. Ayyappan *(Ezhuvas South).*— Will you kindly explain it?

Mr. E. Ikkanda Warriar *(Urakam).*— I don't think I should explain the present system of voting.

Now, the colour box system of voting is this. Suppose there are two candidates. There will be two boxes and they will be allowed to choose their colour for the box to represent them. As soon as the voter comes there he will be given a ballot paper. No name will be entered. He can simply go and put it in the box the colour of which has been chosen by the candidate in whose favour he wants to record his vote. Nobody can see to whom he has voted. No doubt there will be a man looking to see that he puts the vote in one of the boxes, I have witnessed how the election took place in British India in the last election. Even if there is any mistake I would even go to the extent that we should rectify it. Hon'ble Members are quite familiar with the holes through which we get tickets from the Railway Station. There will be a small hole like that. The looker-on will simply be sitting behind it and watching. Nothing will be written upon the paper. You can take it and put it into the box which represents the candidate. When you do it probably the man who is looking will be able to know in which box the voter has put it. This man will be appointed by the Government.

Mr. President.—If there are half a dozen candidates there will be half a dozen colours. The voters have to remember all the colours. Suppose there are six candidates?

Mr. E. Ikkanda Warriar *(Urakam).*— So far as Cochin State is concerned there has never been a case where there have been more than three candidates. There will be three boxes and three colours will have to be given. The man who goes there knows the colour of the candidate for whom he is going to vote. It is not very difficult. The man who watches and sees that the ballot paper is put into the box cannot remember the names of persons or say to whom they have voted.

In any case it is better than voting in the presence of the candidate or his agents. The rules as they stand, provide that if a candidate wants the help of the polling officer in registering

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his vote he would apply to him and then the polling officer would help him in marking it.

Now what is the difficulty for the Government except to provide a few more boxes. That will not be, Sir, a hardship. I would also submit that there are sufficient indications that the coming elections will be a fighting election. Government also, I remember distinctly, in answer to a supplementary question which I put, answered that they will consider the question of introducing the colour box system. It is not very difficult. It will go to a very great extent in enabling the voters to vote for whichever candidates they want. I therefore commend this resolution for the acceptance of the House.

Mr. C. R. Iyyunni *(Trichur North).*—I second it.

* **Dr. A. R. Menon** *(Pallippuram).*—Sir, I rise not to support or oppose this measure. I want to explain to this House, the advantages and disadvantages of the colour-box system. The whole thing centres round one point. If a voter who cannot read or write comes forward to vote then alone this question of violation of secrecy arises. In the other case, ample precautions have been taken. As I said it is only when a party comes forward and expresses to the polling officer his inability either to read or write or points out some grave defects, then only the polling officer intervenes and in the presence of the candidates the vote is cast. That the presence of the agent or his candidates interferes with the liberty of the voter is something definite. I request that these persons should not be allowed to be present there. Naturally the opponents may raise the point that the polling officer may tamper with the votes. Then for the matter of that, a Munsiff may tamper with his records or the judge may tamper with his records. So we have to put faith on Government. The presence of the candidates or his agents do interfere with the liberty of the voter. There is no doubt about it. It is only in such cases that the question of absolute secrecy is necessary.

There is also another point, for you will be surprised to know the number of people who cannot read or write. It is a matter for the Director of Public Instruction. But during elections many people who could read and write are made to say that they cannot read or write. For example suppose there is a contest between jenmy and tenant. The jenmy will induce

* Speech not corrected by the Hon'ble Member.

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his voters to say that they cannot read or write when the truth is otherwise. There are cases like that. Much abuse is taking place, there is no doubt. There is another difficulty. The voter comes and says that he cannot see. Therefore as a precautionary measure I have a number of spectacles with me. In a constituency like Cheruthuruthy or like Pazhayannur or like Wadakkancheri, which are centres of jenmy influence, great abuses are taking place. But my position as I already said is that no change in the present system need be effected. The present system of voting is the universal system. But what I have to say is Government should not give the right of vote to persons who cannot read or write, no matter what amount of tax he says. A person who cannot read or write has in my opinion no right to vote. I have done my best, Sir, to inculcate this principle on the members of the Franchise Committee, but unfortunately they would not listen to it.

Now let me deal with the colour-box system. There are two grave defects. Supposing the vote is distributive, that is two votes are given to you, then that difficulty arises. The voter is given a small piece of paste-board and he is simply to put a signature and to put it in the box. In British India, it is cumulative. There an individual who has two votes puts both votes in one box. That is not the case here. But where the vote is distributive you have to put the two votes in two separate boxes. I say that where the system is distributive the colour box system is very defective. A person who has two votes may put both in the same box. I am saying only the merits and de-merits of this system. I am not opposing this measure. For instance in the Valluvanad Taluq there was an election and there were 70 thousands voters. Strictly speaking one is a depressed class candidate and the other an ordinary candidate. And instructions are given to give one vote to each candidate. The ordinary candidate got 10 to 11 thousand votes and the backward community candidate got 4 to 5 thousand votes. There they do not violate the principle because their system is cumulative. There is some other difficulty for this colour-box system. Suppose a candidate wanted to file a suit to set aside the election. Such a case occurred in Cranganur some time ago. You are not, under the colour box system, able to find out who voted for whom. There is no record at all. A paste-board is given to you without any number. Suppose A voted for B and C raised a complaint that A has no authority to vote. Under the present system there is a way to find out whether A voted or not. If that is proved to be invalid that is deducted. Under the colour-box system there is

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no method to find out whether one has voted. These are the two great defects of the colour box system and with regard to the influence of Government Officials, even with the colour box system they can exert their influence. Excepting in the case of ignorant persons who cannot read or write this system is not going to make any change. It is far more essential in British India than here, because there many are illiterate. Here where a greater percentage of people are literate the other system which is universal is equally good. But with regard to the present system the voting is done by an illiterate man in the presence of one polling officer and agents of the candidates. I would suggest that Government may ask two of their polling officers to stand inside the booth. And in no case the agents or the candidates should be allowed to enter the booth when a voter records his vote.

*മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— സർ, ബഹുമാനപ്പെട്ട പള്ളിപ്പുറം മെമ്പർ പറഞ്ഞമാതിരി എഴുത്തുവാനും വായിക്കുവാനും അറിയാവുന്ന ആളുകൾക്കുമാത്രമേ കൊച്ചീരാജ്യത്ത് വോട്ടവകാശം ഉണ്ടായിരിക്കാൻ പാടുള്ളൂ എന്നുണ്ടെങ്കിൽ തീർച്ചയായും ഇന്നത്തെ സമ്പ്രദായമാണ് വളരെ നല്ലതെന്ന് സമ്മതിക്കുന്നതിന്നു യാതൊരു വിരോധവുമില്ല. പക്ഷെ എഴുത്തുവാനും വായിക്കുവാനും അറിയാവുന്ന ആളുകളെ വിട്ട്, അല്ലെങ്കിൽ അവർക്ക് വേണ്ടുന്ന പ്രാധാന്യം കൊടുക്കാതെ നികൃതിക്കു പ്രാധാന്യം കൊടുത്താണ് ഇപ്പോഴത്തെ വോട്ടവകാശ പദ്ധതിയിലെ പാളിച്ച നിലനിൽക്കുന്നത്. ഈ വരുന്ന ഇടവമാസത്തെ തിരഞ്ഞെടുപ്പ് ഇപ്പോൾ നിലവിലിരിക്കുന്ന പുളുസരിച്ചായതുകൊണ്ട് വലിയ കുഴപ്പങ്ങളൊന്നും ക്രടാതെ ഒരു വോട്ടർ ഉദ്ദേശിക്കുന്ന ഒരു സ്ഥാനാർത്ഥിക്കു തന്റെ വോട്ട കൊടുക്കാനുള്ള പരിപൂർണ്ണ സ്വാതന്ത്ര്യം വോട്ടവകാശം കൊടുത്തതുപോലെതന്നെ കൊടുക്കേണ്ടതാണെന്നുള്ള സംഗതി ഗവർമ്മെൻറു ഗൌരവമായി ആലോചിക്കേണ്ടതാണ്. എഴുത്തുവാനും വായിക്കുവാനും പരിചയമുള്ള ആളുകൾക്ക് വോട്ടവകാശം കൊടുക്കുന്നതായാൽ തന്നെയും ഇപ്പോൾ വോട്ടുചെയ്യുന്നതായ ഈ സമ്പ്രദായം മാറണമെന്നല്ല ഞാൻ പറയുന്നത്. നല്ല മനക്കരുത്തില്ലാത്ത സ്ത്രീകളും മറും അവിടെ ചെന്നാൽ ഏതാണ്ട് ആധാരം രജിസ്റ്റരാക്കാൻ രജിസ്റ്റരാപ്പീസ്സിൽ പോകുന്നതുപോലെ ആദ്യം എന്തെല്ലാം ചടങ്ങുകളുണ്ടോ അതെല്ലാം കഴിച്ച് ഉള്ളിൽ കടന്നാൽ വന്നകായ്യം മറക്കും; കണ്ണു മഞ്ഞളിച്ചുപോകും. വരഏതാണെന്നു അറിയാൻ സാധിക്കയില്ല. കണ്ണു പിടിക്കാതെ വരക്കുന്നത് ചിലപ്പോൾ വരയിലൊന്നും ആയിരിക്കയുമില്ല.

മിസ്റ്റർ പി. ശങ്കുണ്ണിമേനോൻ (*Elankunnapuzha*)— കളർബോക്സ് ആയാൽ അതു അധികമാകയില്ലേ?

* Speech not corrected by the Hon'ble Member.

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മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur.*)— അധികമാകയില്ല. അതു മനസ്സിലാക്കാത്തതുകൊണ്ടാണ്. എന്റെ നിയോജകമണ്ഡലത്തിലെ കാര്യം പറയുകയാണെങ്കിൽ അവിടെ ഫ്രൈൻ വോട്ടുകളൊ മറ്റൊ ആയിരുന്നു, അതിൽ ഫ്രാഠാ വോട്ടേ ചെയ്തിട്ടുള്ളൂ. ആ ഫ്രാഠാ ന്നാ-ം വോട്ടു ചെയ്തിട്ടുള്ളതിൽ മുമ്പു പറഞ്ഞതുപോലെ എഴുതുവാനും വായിക്കാനും അറിയാത്ത ആളുകളായിരിക്കും. ഇപ്പോൾ ഓരോടിക്കിലും ഫർ—ം ഫൻ—ം പോളിംഗ് ബൂത്ത് സാണ് വരാൻപോകുന്നതു്. അങ്ങിനെ വരുന്നതോട്ടുക്കുടി കൂറെക്കൂടി ഗവമ്മെൻറുദ്യോഗസ്ഥന്മാരെ അതിലേക്കുവക്കേണ്ടിവരും. ഞങ്ങൾ ഇവിടെ പൊതുജനപ്രതിനിധികളായിവരുന്ന സമയത്തു് പല ഉദ്യോഗസ്ഥന്മാരുടേയും വിരോധം സമ്പാദിക്കാൻ ഇടവരുന്നു. ആവക ആളുകളാണ് പോളിംഗ് ബൂത്തിൽ നിൽക്കുന്നതു് എന്നു വിചാരിക്കുക, ഞങ്ങൾ അവരെ വിശ്വസിക്കേണ്ടതായിട്ടാണ് വരുന്നതു്. മനുഷ്യരല്ലേ; സത്യവും ധർമ്മവും മറുമൊക്കെവിട്ട് മനുഷ്യരുടെ മനസ്സ് ചിലപ്പോൾ വികാരത്തിനു അധീനമായെന്നുവരാം. അങ്ങിനെ വരുന്ന അവസരത്തിൽ ഒരു സ്ഥാനാർത്ഥിയുടെ ജയാപജയം പോളിംഗ് ബൂത്തിൽ നില്ക്കുന്ന ഉദ്യോഗസ്ഥന്റെ മനഃസ്ഥിതിയെ ആശ്രയിച്ചിരിക്കും ബ്രിട്ടീഷിൻഡ്യയിലെ കളർബാക്സ്സിസ്റ്റം അങ്ങിനെതന്നെ ഇവിടെ നടപ്പിൽ വരുത്തണമെന്നു പറയുന്നില്ല. അതിന്റെ ദോഷങ്ങളെ ഗവമ്മെൻറ് മനസ്സിലാക്കി അതിനെ ഒന്നു പരിഷ്കരിച്ചു് നടപ്പിൽ വരുത്തുകയോ അല്ലെങ്കിൽ മറ്റൊരു രീതി നടപ്പിൽ വരുത്തുകയോ ചെയ്യണം.

അടുത്ത അവസരത്തിൽ മുളകുന്നത്തുകാവിൽ നടന്ന തിരഞ്ഞെടുപ്പിൽ ചില സംഭവങ്ങൾ ഉണ്ടായി. അവിടെ വോട്ടുചെയ്യാൻ വന്നവരിൽ ചിലർ ഇന്ന ആൾക്കാണ് വോട്ടുചെയ്യാൻ വന്നതു് എന്നു പറയുകയില്ല. അവരോടു നിങ്ങൾ ആർക്കാണ് വോട്ടുചെയ്യാൻ വന്നതു് എന്നു ചോദിച്ചപ്പോൾ ഞങ്ങൾ ഇന്ന ആളുടെ കാറിൽ ആണ് വന്നതു് എന്നു മാത്രം പറഞ്ഞുകൊണ്ടു പതുങ്ങിനിന്നു. അവസാനം നിങ്ങൾ ഈ രണ്ടു സ്ഥാനാർത്ഥികൾക്കുമല്ല വോട്ടുചെയ്യാൻ വന്നതെങ്കിൽ പോളിംഗ് ആപ്പീസർക്കു വോട്ടുചെയ്തിട്ടു പോകുവിൻ എന്നൊരാൾ പറഞ്ഞു. ഫ്രൈ-ൽ ചിലപ്പോൾ വോട്ടുള്ള എന്റെ നിയോജകമണ്ഡലത്തിൽ ഇപ്പോൾ ആറായിരത്തോളം വോട്ടർമാരുണ്ട്. ഈ ആറായിരം ആളുകളിൽ അധികപക്ഷവും നായർ സമുദായത്തിലുള്ളവരാണ്. അവിടത്തെ ഭൂമികളുടെ പട്ടയം മുഴുവൻ സ്ത്രീകളുടെ പേരിലാണ്. എഴുതാനും വായിക്കാനും അറിയാൻ പാടില്ലാത്തവരാണ് അവർ. അങ്ങനെയുള്ളവരെ വോട്ടുചെയ്യിക്കുന്നു എന്നുള്ള ബുദ്ധിമുട്ടുണ്ട്. കളർ ബാക്സ്സിസ്റ്റം ഏർപ്പെടുത്തിയാൽ ഒരാൾ നോക്കിക്കൊണ്ടിരിയ്ക്കും എന്നു ഒരു ന്യൂനതയുണ്ട്.

ഇക്കഴിഞ്ഞ മുളകുന്നത്തുകാവു് ഏലക്ഷനിൽ ൯൦൦-ത്തോളം ആളുകൾ വോട്ടുചെയ്തിട്ടുള്ളതിൽ സുമാ ഇൻവാലിഡ് വോട്ടുണ്ട്; അവി

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ടെ നാലഞ്ചുപ്രാവശ്യം വോട്ടചെയ്തിട്ടുള്ള ആളുകളുമുണ്ട്. വോട്ട ചെയ്യേണ്ട സമ്പ്രദായം എങ്ങിനെയാണെന്ന് അറിയാത്ത ആളുകൾക്കു വരക്കേണ്ട സമ്പ്രദായംകൂടി മനസ്സിലാക്കിക്കൊടുക്കണം. ഏലക്ഷൻ ന്യായമായിട്ട നടത്തണമെന്നുണ്ടെങ്കിൽ ആ കാര്യത്തിൽ ശരിയായ ഒരു പദ്ധതി ഗവർമ്മെൻറു കണ്ടുപിടിക്കണം. കളർബാക്സ് സിസ്റ്റമായാലും വേണ്ടില്ല; മറേറതു സിസ്റ്റമായാലും വേണ്ടില്ല. അനവധി വോട്ടർമാരുള്ളതുകൊണ്ട് ബ്രിട്ടീഷിൻഡ്യയിൽ ഒരു പുതിയ സിസ്റ്റം— കളർബാക്സ് സിസ്റ്റം— നടപ്പാക്കി. എന്നാൽ കൊച്ചീരാജ്യത്തിലും ഇപ്പോൾ വോട്ടർമാർ വർദ്ധിച്ചിരിക്കുന്നു. അതുകൊണ്ടാണ് ഒരു പുതിയ സിസ്റ്റം ഇവിടേയും ഏർപ്പെടുത്തണമെന്നു പറയുന്നതു്. ബ്രിട്ടീഷിലെ സിസ്റ്റത്തിൽ വല്ല വീഴ്ചകളുമുണ്ടെങ്കിൽ അതു് അങ്ങിനെതന്നെ ഇവിടെ സ്വീകരിക്കണമെന്നു പറയുന്നില്ല. അതിൻറെ വീഴ്ചകൾ തീർത്തു് ഇവിടെ യോജിക്കുന്നവിധം നടപ്പാക്കുകയോ അല്ലെങ്കിൽ ഒരു പുതിയ സിസ്റ്റം കണ്ടുപിടിച്ചു നടപ്പാക്കുകയോ ചെയ്താൽ തരക്കേടില്ല. ഏതായാലും ഈ കാര്യത്തിൽ ഒരു പുതിയ സിസ്റ്റം നടപ്പാക്കണമെന്നുമാത്രമേ ഞാൻ ഗവർമ്മെൻറിനോടുപേക്ഷിയ്ക്കുന്നുള്ളൂ.

Mr. A. Sivarama Menon *(Mulakunnathukavu)*.—Mr. President, Sir, the secrecy of voting is undoubtedly a very valuable privilege and there is no possibility of any controversy with regard to that topic. We are at present concerned with a definite proposal as to how best that secrecy can be maintained and the proposal seeks to modify a practice with which we have been familiar. Both the mover and the leader of the party to which he belongs who spoke so eloquently before me, I am afraid, both missed the real point namely, that before they make out a case for a change it is essential to show the difficulties or defects of the existing system. But they have directed their argument to that aspect of the proposition which positively shows that a change is necessary and could be supported by positive proofs. I readily consent, Sir, as I have already said, that secrecy is absolutely necessary. It is a fundamental proposition on which the present system is based. It is also the fundamental proposition of the mover of the resolution. The difficulty comes only because he thinks the moment we introduce the colour box system, we get the paradise we want. I first want to deal with one or two defects, so called defects, at present advanced and have been so vehemently referred to by the Hon'ble Member for Pazhayannur. The latest elections that we had at Mulakunnathukavu naturally came in for reference and no one need be alarmed of the figure of 61 invalid

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votes. There was very heavy polling there. The voters being what they are we must expect a certain amount of invalid votes. If the Hon'ble Mover of the resolution and the Hon'ble Member for Pazhayannur are to be taken at their word then I am afraid that they will have to say good bye to one of the most important proposition that we should straight away come to Adult Franchise. If there are invalid votes under the existing system, what I would say is that the voters should properly exercise their rights. It is absolutely necessary that not only the Government but the whole people of Cochin should see to the secrecy and better voting during the next elections.

Mr. T. K. Nayar *(Pazhayannur).*—We will fight for adult franchise until we get it.

Mr. A. Sivarama Menon *(Mulakunnathukavu).*—We will get adult franchise in proper time.

Coming to the colour box system, it is no doubt true that it has been introduced in British India and that is a very good argument in support of it. But let us examine it dispassionately. We find instead of a few thousands, say six or seven thousand voters, the comparative figures in British India are tens of thousands and there the present system became an impossibility. They found that without this colour box system it is physically impossible to conduct the elections in one or two days. They will have to extend it for days together. Generally elections begin from morning 7 to evening 6. It can be extended by another day. To get the whole voting done under the old system in one or two days was found impossible. It is only when we find that we cannot get the elections done in a day or two that we are driven to think of a change.

Now let us come to the merits of the case. The colour box is an attraction and colour itself is attractive.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Are all colours attractive?

Mr. A. Sivarama Menon *(Mulakunnathukavu).*—Certainly some are more attractive. Generally speaking I say in colours there is an inherent attraction. In our State we have not reached the stage of definite political parties. True we are progressing very very satisfactorily. It is in my opinion, Sir, highly inadvisable to introduce the colour box system unless we have reached a stage of fairly well-defined parties when each party will be given a

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colour as in British India. The danger otherwise is this that you may have to find boxes with colours not limited to Vibgyor but to any number. A necessity may arise to devise any number of colours and even then, a poor voter, an in-experienced voter, a nervous voter as stated by the hon'ble mover, people who are not used to go and vote publicly, who get nervous when they get into the polling booth, they have to go through some process. They should understand that after they start from their homes they cannot go directly to the polling booth, register their votes and come back. They should know they have to go before the polling officer and establish their identity and give their name. The identification is a pre-requisite. There is no escape from it. So some of these inevitable procedures they have to submit to and what happens next is the voter goes to the box where the thing has to be deposited. Now let us look at the secrecy. The hon'ble member for Pallipuram did recognise that. Does that ensure absolute secrecy? I think he forgot to refer to a very specific instance within his knowledge after the last British Indian election in Malabar. He knew how particular voters have voted. No doubt not drawing the inference from the air but from the information given by the official looker-on. He is supposed to be looking on simply to see to the safe deposit of these cards. If he is an intelligent man he is able to see more. As a matter of fact he knows a good deal more. But I am not enamoured of that perfect secrecy which is from one aspect of the matter absolutely useful. But the value of the vote, in my opinion, Sir, is not to be judged merely by secrecy that is provided for by a very careful mind. The value of the vote lies in the fact that the voter will be able to say, even in the presence of the candidate, that he will record his vote to a particular person. I do not want to be in an artificial world. I want to be in the real world. I say that such perfections are far away from us. But that does not mean that we should give up a perfect system immediately you find a change introduced elsewhere. We must establish that the difficulties and defects connected with the existing system are such that they have become almost scandalous. Therefore, I, for my part, Sir, will not appeal to the House to hurriedly change that system which is worked very satisfactorily, on the whole, in spite of defects. But the colour box system gives rise to some real difficulties. As I submitted already, in the absence of well-formed parties, it will be difficult to restrict the number of candidates. We see no definite sign yet of the exact number of parties we may have. At any rate,

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seeing that this coming election is going to be a very important election, I do not want to add to the complications in the matter of voting. Let it not be understood that there is any the less in the point of secrecy of voting. Unless I am assured and satisfied that the introduction of the colour box will without creating further complications maintain a secrecy far more than the present system does, I for my part will oppose the resolution.

But the other thing is a welknown fact that no election is closed without giving rise to some sort of election case. If that fact is also proved, let us see how this system is going to safeguard the interest of the candidate. I am sure the Hon'ble Member for Pazhayannur will not be very keen to see that on account of the abuse of powers in his own constituency, there has been a breach committed. There must be some way for identifying the fraudulent voter. Let me assure him that this defect was apparently unknown when the colour box system was introduced. But it is presenting itself as a serious obstacle in the way of continuing this colour-box system even in British India. I do not want to say my opinion upon that. Personally speaking, Sir, this system will be re-considered there and some safeguard will be introduced with a view to see that secrecy is not violated. There must be a way to achieve the desired result. My Hon'ble friend will admit that this is not a matter which we may disregard. Let us wait and see how this machinery which is introduced in British India will be improved.

Mr. T. K. Nayar *(Pazhayannur).*—For my part I do not see any difficulty.

Mr. A. Sivarama Menon *(Mulakunnathukavu).*—It is not such a simple thing. If we convert this House into a Committee to go into detail, I, for my part, will suggest that it is not such a simple thing. I do hope that Government, after considering the views expressed on the floor of this House, will see to it that the secrecy of the voting is maintained and maintained as strictly and with all the powers at their command and that secrecy is not violated. But we are concerned here only with the limited proposition whether we should give up this system and seeing that we are so near the elections it will be very inadvisable to change the present system.

The House rose for lunch at 1—10 p. m. and re-assembled at 2—30 p. m. with M. R. Ry., P. C. Varkey, Avl., (Panel-Chairman) in the Chair.

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Mr. K. Achyuta Menon *(Diwan Peishkar)*.—Mr. President, Sir, the resolution is opposed by Government for the following reasons. Now it will not be wholly necessary for me to state our reasons in great detail, because the discussions that have taken place have put forward the case on either side with conspicuous ability. The only task of Government in reality, therefore, is to summarise the various positions and to see whether the discussion has taken such a form that Government is in a position to defintely accept one or the other of those reasons. The case made out by some of the Hon'ble members on one side of the House is different from that made out by the other side. The examination of the Government therefore is with a view to see whether a case has been made out for a definite acceptance of one view and rejecting the other view, so that my present task is only to summarise in a way those arguments. The result is this:

There are at least two distinct and decided dis-advantages to voting according to the colour-box system. But as regards the present system the advantages realised are unanimous. The result of accepting the resolution is therefore hankering after doubtful or problematical advantages, abandoning decided advantages. That is how the position stands.

What was the thing that was urged in favour of the colour-box voting? It is that it is a very excellant safeguard to take against the secrecy of the vote being lost. In other words, it ensures secrecy. That was the great point which was made out. It was made out in a number of methods. It was even argued before the House, that it is almost an invariable practice in elections in this State to tamper with votes and to even persuade voters to say at the booth that they were illiterate, incapacitated, etc. Literate persons it is said are made to pose as illiterates. One Hon'ble Member even characterised the process as resembling what takes place in executing a registered document. These are the various arguments for the change proposed. One essential fact is that it is necessary to preserve the secrecy. There are very many instances in which that state of things could not be preserved if our elections are conducted according to the colour box system. That was the argument, from the other side. Upon that point, the House would have observed that the opinions were uniform. For that mere reason, the remedy proposed, i. e., the colour box voting, does not seem adequate. According to that system, it was necessary for a voter to be seen by persons who are there to see that the elector proceeding to the box does actually put his

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ballot paper in the box provided for him. Now it was attempted to be argued that it was through some hole and that the watcher cannot see the person whom he watches. He is the official watcher and his duty is to see whether a voter who goes into the booth does put the ballot paper in the box. It is also said that the process is something akin to what is taking place at the vending of tickets in the railway-station. There one half of his anatomy is all that is expected to be seen. It will be a marvel if this resolution survives such arguments. The rules themselves say that the voter should be watched. The watcher is also to see that the voter does not tamper with the colours.

Dr. A. R. Menon (*Pallippuram*).—He is there to see that he actually puts the ballot paper into the box. Through the same hole a part of the man is seen by him.

Mr. K. Achyutha Menon (*Diwan Peishkar*).—When the man proceeds to exercise his vote, I say it is impossible not to see a part of the man through the hole. I am entirely at one with the Member for Pallippuram that through a small hole you can see the whole of that man and not a part of that man, so that secrecy there is not in that colour-box voting. Therefore the very object aimed at is defeated by the watcher. You are dealing with an illiterate person. The mere presence of the agent it is alleged makes him nervous. If such a man knows that there is a person watching him from the hole and he also knows that he will know the colour to which he is going, how can the nervousness vanish? That is one great difficulty. There is even a danger in the watcher seeing only a portion of the voter. Supposing the colour is tampered with by a man going there by painting something over it. It becomes therefore distinctly dangerous. And if it is known for certain that the observation through the hole extends only to a portion of the anatomy, you may with comparative immunity tamper with the colour. Therefore the only safeguard is in there being a man to watch him in whole. There are dangers there and the objects also can very easily be defeated. If conditions in Cochin are such that persons who go there to exercise their votes can be influenced to say that they are illiterate, etc., then you can instruct those people to say that they are colour-blind, that they are constitutionally incapable of distinguishing between colour and colour. In some cases the defective sight may be a real thing. In either case the polling officer has to make the marking and the secrecy is lost.

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Suppose a man says 'I have defective sight and cannot distinguish the colours,' then even the process provided for by the hon'ble member for Pallippuram cannot hold good in his case, because some colours would differ even when looked through glasses. If respectable literate people in the previous elections were influenced to that extent with great pressure to say that they are illiterate, the same reasons will prevail here, for they can say, 'I am blind, I am colour-blind,' even if the colour-box system comes in. And so the very object of the colour-box system can be defeated. I am only attempting to prove that the advantages are problematic. I do not mean to say that there is no point in asking the Government to take such steps as will ensure the secrecy. We should find out some method which will achieve that purpose. It is unfair to ask Goverment to find out some means to ensure greater secrecy. It is unfair to ask the Government as Mr. Nayar did to-day 'we are placing before you something which it is very doubtful will attain the desired object' and coupled with it there is an invitation to the Government to find out something which will do so. I say it is unfair. For the present we are considering a resolution. The only point is whether this resolution can be accepted.

Dr. A. R. Menon (*Pallippuram*).—There is a resolution here. It is not enough if you meet our points. It is your duty to devise some means. I ask the question, suppose we give you a scheme to carry out the present elections in a particular manner. Then is it not your duty to find out the means to do it?

Mr. K. Achyuta Menon (*Diwan Peishkar*).—I was trying to meet only Mr. Nayar's argument. Opinions differ as colours differ. That is all that I can say.

മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— കളർ ബാക്സ് സിസ്റ്റത്തിന്റെ ദൃഷ്യവും ഇന്നു നടന്നുവരുന്നതിന്റെ ദൃഷ്യവും രണ്ടും നോക്കീട്ട് ഒരു തീരുമാനം വരുത്തുവാനുള്ള ഭാരം ഞാൻ അങ്ങോട്ട് വിട്ടതാണ്. അല്ലാതെ ഈ പ്രമേയം സ്വീകരിച്ചതിനുശേഷം തെറ്റു തിരുത്തണമെന്നല്ല ഞാൻ പറഞ്ഞത്.

Mr. K. Achyuta Menon (*Diwan Peishkar*).— I quite appreciate it.

മിസ്റ്റർ ടി. കെ. നായർ (*Pazhayannur*).— ഞാൻ രണ്ടുഭാഗത്തിന്റേയും ദൃഷ്യം പറഞ്ഞു. ഈ വക സങ്കടങ്ങൾക്ക് ഒരു നിവാരണം വരുത്തണമെന്നാണു ഞാൻ പറഞ്ഞിട്ടുള്ളത്.

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Mr. K. Achyuta Menon *(Diwan Peishkar).*—I perfectly understand. I appreciate the compliment he gave to Government in the matter. I was only coming to that argument. It is not possible for Government in the short space of time before the coming election to find out some proposition. Mr. Nayar's request to us to find out a perfect solution for secrecy is appreciated by us. But the point is in trying to accept this resolution, it is manifestly unfair, even in the guise of a compliment, to leave the task to us. But I cannot say whether that confidence may or may not be displaced. With such short notice to evolve a scheme which will make voting attendant with complete secrecy is somewhat difficult. I am willing to take it like that; in which case we are obliged to disown this resolution. That is my point. The question of evolving something before the next election is another matter which is not before the House in dealing with this resolution. But the precise point is whether we should go on in the old manner or adopt the new system suggested. I submit, on that point, the opinions are not unanimous even from the other side. There is absolutely no authoritative opinion that the proposed remedy will be completely advantageous, but, there is uniformity of opinion that the proposed remedy will have its own disadvantages.

Dr. A. R. Menon *(Pallippuram).*—The present system is one which is universally accepted.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—That makes it all the more reasonable that we should not accept the present resolution. In such a case a prudent man who is not guided by excitement will go by status quo. When we do not know the implications of a proposed thing, I think, the best thing is to go on as we were going on, leaving the thing for the future. It will be a comfortable hypothesis to think that the results of the proposed change is unknown. It may be good or it may be bad.

Dr. A. R. Menon *(Pallippuram).*—There is another problematic danger, the danger of Government servants violating the sanctity of elections. I make that allegation openly, that Government have been tampering with the elections.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—I am saying what the hon'ble member said. He said that the supposed secrecy will not be a secrecy. You agree to it and I also agree to it. What you say, I echo. That is all.

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Dr. A. R. Menon *(Pallippuram)*.—This is merely a sort of jugglery of words. When a serious question is brought here, you play the part of a joker here in the House, and make me laugh. It is somewhat entertaining, no doubt.

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—There is a limit also to the other thing simply picking up a quarrel. I can understand joking. It is with a set purpose. But what about quarrelling with a man who agrees with you?

Mr. A. Sivarama Menon *(Mulakunnathukavu)*.—Sir, I wish to point out that personal discussions in the House are not in order.

Mr. K. Achyuta Menon *(Diwan Peishkar)*.—I say, for the present, therefore, as pointed out by two hon'ble members on the other side, that the alternative system proposed fails in one of its essential purposes. It absolutely requires the presence of a watcher who can see the persons who exercise the vote through the hole. I say therefore the advantages are, to put it very mildly, problematic. So far, the secrecy which is attempted to be ensured by this is not perfect. That to make it perfect, you say, is the task of the Government. To replace the existing system with the proposed one, no case has been made out, but on the other hand, to the best of my belief, there was no dis-agreement that there are certain disadvantages in the proposed system. Then as pointed out by the hon'ble member for Mulakunnathukavu, the absence of definite political organizations in the State is another defect. But I cannot say that there are not people in Cochin who are not capable of forming parties. In British India definite parties have come up with defnite opinions and defined programme of work so that it may not be very difficult for an average man to find out the true colours of the candidates standing for election. The task here is more difficult, because here political parties are only springing up. Therefore, if a number of men stand, the fixing of colours is somewhat difficult. These are the several difficulties which we should not also forget. We should not also forget that literacy here is at a very high level. In the Franchise Committee, when the question of adult franchise came, some of the witnesses have told us that the people here are politically advanced, that they can be trusted to use their votes intelligently and properly and therefore the dangers in leaving the voting system as it stands is very little. Another very cogent fact that was adverted to by the hon'ble member

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for Pallippuram against this resolution is there is absolute danger in the election proceedings in the utter helplessness of the presiding officers to find out the persons who have voted for a particular candidate. And everybody knows it is essential for election proceedings also. No doubt an attempt is made there in British India in the rules to enable the candidate to question the identity of the voter but he has to pay down Rs. 20. Is it not a hardship.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—How do you find out the identity of a voter?

Mr. K. Achyuta Menon *(Diwan Peishkar).*—It is very easy. There it is one of the conditions in the rules laid down in so many words that under no circumstances shall it be possible to know from the ballot paper for whom the elector has voted. They are aware of the dangers of false personation. Suppose a person wants to object that this a particular voter is not the right person. The rules say, count down Rs. 20 and they put that vote in a separate cover for 'challenged votes.' Therefore it helps to prevent false personation to a certain extent. I submit therefore that we will be far more wise if we stick to the present form of voting. Opinions are not unanimous on the recomendation for voting by the colour-box system. When even elsewhere where the system is in force they are trying to reform the existing provisions by devising new methods, it would be greater folly to accept those provisions in toto. I submit the Government is justified in opposing this resolution, in these circumstances.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South).*— സർ, ബ്രിട്ടീഷിൻ ഡ്യയിൽ ഒരു ഉദ്ദേശത്തോടുകൂടി നടപ്പാക്കിയ സമ്പ്രദായം വേറെ ഒരു ഉദ്ദേശത്തിനുവേണ്ടി ഇവിടെ നടപ്പാക്കണമെന്നാണ് ഇതിന്റെ അവതാരകൻ ആവശ്യപ്പെട്ടിരിക്കുന്നത്. ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ രഹസ്യം കുറെ നഷ്ടപ്പെട്ടാലും വേണ്ടില്ല. പോളിംഗ് വേഗം നടക്കണമെന്നുവെച്ചാണ് അവിടെ കളർ ബാക്സ് സിസ്റ്റം ഏർപ്പെടുത്തീട്ടുള്ളത്. കളർ ബാക്സ് സിസ്റ്റംകൊണ്ട് വിദ്യാഭ്യാസമില്ലാത്തവരുടെ വോട്ട മാത്രമല്ല രഹസ്യമാകുന്നത്; സർവ്വ വോട്ടർമാരുടെ രഹസ്യവും പുറത്താകും. ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ വളരെ വോട്ടർമാരുള്ളതുകൊണ്ട് ഒന്നരണ്ടു ദിവസത്തിനകം വോട്ട നടത്താൻ വേണ്ടിയുള്ള സൌകര്യത്തിനാണ് കളർബാക്സ് സിസ്റ്റം ഏർപ്പെടുത്തീട്ടുള്ളത്. അവതാരകൻ ഇതിന്റെ രഹസ്യം മനസ്സിലാക്കിട്ടുണ്ടെന്നു തോന്നുന്നില്ല. പ്രാഞ്ചൈസു കമ്മിറ്റിയിൽ ഞങ്ങൾ ഇതിനെക്കുറിച്ചു ആലോചിക്കാതെ

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യിരുന്നില്ല. കണക്കെടുത്തു നോക്കിയതിൽ ഏതാണ്ടു സപ്ലൈ സമയം മാത്രമേ ആദായമുള്ളൂവെന്നുകണ്ടു. അതുകൊണ്ടു ഞാൻ പറയുന്നതു് രഹസ്യം പാലിക്കണമെന്നുള്ള ഉദ്ദേശം പറഞ്ഞു് ഇങ്ങിനെ ഒരു പ്രമേയം ഇവിടെ കൊണ്ടുവരുന്നതു ശരിയല്ലെന്നാണു്. വാച്ചർമാരായി ഉദ്യോഗസ്ഥന്മാരെ ചുമതലപ്പെടുത്തുകയാണെങ്കിൽ അവർക്കു മറ്റുള്ള ജോലികൾ നടത്തുവാൻ സാധിക്കാതെവരും. സാധാരണക്കാരെ വാച്ചർമാരായി നിയമിക്കാമെന്നു വിചാരിക്കുന്നപക്ഷം രഹസ്യം പാലിക്കണമെന്നുള്ള ഉദ്ദേശം സാധിക്കുവാനും പ്രയാസമാണു്.

ഇപ്പോൾ നിലവിലിരിക്കുന്ന സംപ്രദായം കൊച്ചി ഗവർമ്മെൻറിന്റെ മസ്തിഷ്കത്തിൽ വിളഞ്ഞതല്ല. വളരെക്കാലമായി നടന്നുവരുന്ന ഒരു സംപ്രദായമാണു്. അതു് പരിപൂർണ്ണതയോടുകൂടിയതല്ലെങ്കിലും അതിലും നല്ല സമ്പ്രദായം ഉണ്ടാകുന്നതുവരെ അതുകൊണ്ടു തൃപ്തിപ്പെടുകയേ നിവൃത്തിയുള്ളൂ.

കളർ ബാക്സ് സിസ്റ്റം ബ്രിട്ടീഷിൽ നടപ്പാക്കിയതു അവിടെ വോട്ടർമാരുടെ സംഖ്യ അൻപതിനായിരവും മറ്റുമുണ്ടെന്നു കണ്ടിട്ടു അവരെന്നു പോകയാലാണു്. ഇപ്പോൾ അവിടെ ആ ഏർപ്പാടിനെപ്പറ്റി ആക്ഷേപം ഉണ്ടായിട്ടുണ്ടു്.

മിസ്റ്റർ ഇ. ഇക്കണ്ടവാര്യർ (*Urakam*).— ഏവിടെ?

മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuvas South*).— മദ്രാസിൽ, ഞാൻ പത്രത്തിൽ വായിച്ചതാണു്. അതു് ഉദ്ദേശിച്ചതുപോലുള്ള കാമധേനുവല്ലെന്നു മനസ്സിലായപ്പോൾ അതു മാറ്റിയാൽ കൊള്ളാമെന്നു് അപേക്ഷിച്ചിട്ടുണ്ടു്. ഞാൻ ഇവിടെ പറഞ്ഞ ന്യൂനതകളൊന്നും അതിലില്ലെന്നു് ഇതിന്റെ അവതാരകൻ തെളിയിക്കുന്നപക്ഷം ഞാൻ അതു സമ്മതിക്കാം. കളർ ബോക്സ് സിസ്റ്റംകൊണ്ടു സമയത്തിൽ വളരെ ഒന്നും ആദായമുണ്ടാകാനില്ല. അങ്ങിനെ സപ്ലൈ സമയം കിട്ടുവാൻ വേണ്ടി എല്ലാ വോട്ടർമാരുടേയും പോളിംഗ് പരസ്യമാക്കുന്ന സംപ്രദായം വേണോ എന്നുള്ളതാണു് നോക്കേണ്ടതു്.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Mr. President, the proposition before the House only wants that for the next elections, which obviously is going to be an eventful one, the colour box system of voting may be introduced. Very high compliments have been paid, Sir, to the non-official side by the Hon'ble Member for Revenue. If we deserve it we are thankful to him for the compliments. It has been stated that the case for and against has been very ably put forward here. I was listening, Sir, to the debate very closely and what I found was that, as remarked by the Hon'ble Revenue Member, the existing system is noted for the great openness regarding at

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least a few of the votes cast and so to that extent the present system has to be condemned. Under rule 35 of the Electoral rules if a voter mentions his or her incapacity to mark the vote independent, the polling officer has to accompany the voter to the Booth accompanied by the agents of the candidates or by the candidates themselves. So in the presence of these gentlemen a mark has to be made against the name of the candidate for whom the vote is proposed to be given and the ballot paper is put into the box. It is clear therefore that an undesirably large number of persons do know as to whom A or B has voted. To that extent the present system is bad. Now an alternative system must certainly have some advantages over the existing one before the substitute is accepted. It has been stated by the Honourable Member for Mulakunnathukavu that case for the change has to be made out or in other words the advantages of the change will have to be established. According to that Hon'ble Member in the colour box system excepting the attraction of the colour there is no advantage and he is for maintaining the 'status quo'. I can well appreciate that spirit in my Honourable friend. But one thing has to be stated with regard to the colour box system. The process of voting is to a very great extent simplified. On that point there can be no two opinions. The other important advantage about the system is that it helps a great deal in maintaining the secrecy of the vote cast, and it is a point that has been controverted here both by the official side as also by my Hon'ble friend the member for South Ezhuvas and few others. According to the Hon'ble Member for South Ezhuvas the colour box system is even a greater calamity than the existing system. The existing system he says only exposes the votes of a few while in the proposed system, viz. the colour box system, the secrecy is violated with regard to all the votes cast. In support of that position, he said that the man appointed, the watcher, is able to see into which colour-box each voter has put his or her vote. My Honourable friend seems to ignore the fallacy behind the argument. We are, Sir, going to have constituencies for the next election having about a minimum number of 3,000 voters. There are constituencies having 6 or 7 thousand voters also.

Mr. A. V. Moothedan (*Chalakkudi*).—There are constituencies with 15,000 voters, eg., the Ernakulam women Constituency.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—There may be a few cases like that too. If such constituencies too are taken into account, my point is further established. Here is a case with a minimum number of voters,

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viz., 3000. According to the Hon'ble Member for South Ezhuvas, the watcher is able to make it known to the persons who are interested in knowing the nature of the voting as to whom all these 3,000 voters have voted. It is physically impossible for a man of the watcher's type appointed there for a specific purpose to remember all these. He is not there to make notes of A or B going there, to whom he is casting his vote, whether A has voted for Mr. Ayyappan or B has voted for Mr. Ezhuthassan, etc. He is prohibited from doing anything like that. He is simply to see whether the voter who entered the booth has put the ballot paper into the box and not walked away with it or otherwise disposed of the same. He has to see that his vote is not mis-used, and that the voter has put it inside the ballot box. The watcher is there to do that work. He is prevented from taking notes as to which coloured box the vote is cast. It may be true that he may succeed in seeing the whole process. But it is humanly impossible for him to remember as to whom or into which colour box the various voters have cast their votes.

Mr. K. Ayyappan (*Ezhuvas South*).—Can he not make note of particular persons?

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—It is humanly impossible for a man of the watcher's type to keep in mind the names of various persons who have cast their votes into a particular coloured box. I do concede that it is possible for him to keep in his mind a few names of individuals and remember whether those individuals have cast their votes in the yellow box or whatever colour-box. Therefore I do not say that the colour-box system is a paradise as it is or that it can be made into a paradise. But my contention, Sir, is that it is an improvement upon the existing system which to a very great extent stands condemned. It is only in that light that we have to look at it. Nobody contends that it is a paradise, that it is a perfection of secrecy, that there is no possibility of knowing as to whom a particular individual has cast his vote. One or two Hon'ble Members have mentioned this in their speeches. It has been further exemplified here from the experience of another Hon'ble Member of this House who had occasion to watch the last British Indian elections. We take it that it is possible. But there is a difference a great difference between the secrecy of the existing system and the secrecy that is possible under the colour-box system. The dangers of the present system are certainly greater than the dangers of the colour box system. If that is appreciated, then

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there is, at least to that extent, a case for the change. It has been asked here what the colour box system is? The colour box system is briefly this:—

Under this system each candidate contesting the election in a constituency will be assigned a colour and a serial number and instructions will be left with the polling officers that a particular colour is meant for a particular candidate. In the voting compartment will be placed as many ballot boxes as there are candidates, the box of each candidate bearing the serial number and the distinctive colour assigned to him. With regard to the colour there was an observation here by the Hon'ble Member for Revenue that the colour itself may be tampered with, that a red box may be painted into a green one by the voter and so on. Such things are not possible because under the instructions given there, the box has to be completely coloured and it is not possible to change it within the time allotted and the voter is not sent to the booth to show his proficiency in painting and that in the shortest time.

Then with regard to voting in constituencies in which only one seat has to be filled—that is the case here throughout . . . . .

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—No., No. Mattanchery and Cranganur, there are two constituencies.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I thought they are constituencies having two seats of which one is reserved for a particular community only.

Mr. A. Sivarama Menon *(Mulakunnathukavu).*—There are a few multi-member constituencies.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—One objection for the colour box system, Sir, has been stated by the Hon'ble Member for Pallipuram and it is further accentuated by the observations that are made here that in a constituency like Mattanchery where a seat is reserved for a special community like the Muslims and when there is also a general constituency member, in such cases, there will be some difficulty. But we have got such cases even now. Take the case of a general constituency like Wadakkancheri. Under the existing system, that is, inclusive of the fourth Council, there was a special seat for Muslims,as also for the Ezhuvas. Therefore that difficulty does not arise because that system in another form is found now to be existing and that is worked without

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any hitch. In the general constituencies where there are special seats reserved for Muslims and Ezhuvas, what takes place is this. After the polling booth preliminaries are over, the voter is given a ballot paper for the gereral constituency. He goes into the polling booth, marks it and puts it in and when he comes out, he is given a ballot paper for the Ezhuva or the Muslim seat according as the voter is Ezhuva or Muslim and the voter again goes in and casts his vote.

Mr. K. M. Kunhi Moideen *(Kattur)*.—But there are no two ballot papers now. One ballot paper is only used for both the constituencies.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—I do not know, Sir, whether under the system introduced for the ensuing election, a voter going to the polling booth where there are two seats, one reserved and one general, he will be entitled to cast both the votes together either for the general or for the special constituency. It is possible, I shall like to know.

Mr. K. Ayyappan *(Ezhuvas South)*.—A Muslim candidate can give his two votes to non-Muslims.

Mr. A. V. Moothedan *(Chalakkudi)*—He cannot give that.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—One of the votes must be for Muslims.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—My submission therefore is that the difficulty pointed out by the Hon'ble Member for Pallippuram regarding this cumulative and distributive voting does not arise under the rules that we have got here for our election. That is how I have understood it.

Now, Sir, I was trying to meet the argument of the Hon'ble Member for South Ezhuvas that the votes could be known through the Watcher. That is a physical impossibility.

Then, there is more than anything else the important thing namely that there will not be even a single invalid vote under the colour box system. It has been stated here that it is inevitable that there will be some invalid votes when a high percentage of voters do come and vote. Yes, I concede there will be invalid votes if the votes are to be marked as under the present system. But under the colour box system there is no marking and so no possibility of any invalid vote at all. We must remember, Sir, that vote is a very precious thing, valuable for the

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voter as also to the candidate. So it is absolutely necessary to see that any single vote exercised is not lost being invalid.

Dr. A. R. Menon *(Pallippuram)*.—20 votes were declared to be invalid under the colour box system. Because instead of putting it in the box they put it into a hole on the table.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—My submission, Sir, is that the colour box system does away with the possibility of invalid votes being cast. As was observed here by other Hon'ble Members in the recent by-election in Mulakunnathukavu as many as 62 votes became invalid. Certainly the voter had no idea of casting an invalid vote. With the best of intentions the voter had marked the vote. Unfortunately it has become useless. If it is possible under the colour box system to do away with invalid votes certainly it is an argument in favour of accepting that system. It is said that even in the colour box system there were in one instance a rare case of 20 invalid votes. Because the ballot paper was put into another place instead of putting it into the box. If that is true, it is only want of proper arrangement. According to me, as I submitted before, a vote is certainly a valuable one both from the stand-point of the voter as also the candidate. As far as the candidate is concerned it may be a single vote that decides the success. From the stand-point of the voter the most precious of rights is to exercise one's vote and that is lost to him. So that, Sir, if the colour box system helps us if not to do away with the possibility of invalid votes but at least to lessen the possibility of invalid votes that is an argument which establishes a fair case for the introduction of the colour box system. According to the present system Sir, it has to be admitted both in theory as also in practice that many an invalid vote is cast. And what about the future? It has been stated, Sir, by the Hon'ble Member for Revenue, that because of the high percentage of literacy obtaining in Cochin the possibilities of invalid votes are lessened. We must understand, Sir, that the Sahasranama Iyer Committee that sat to revise the franchise in the State have not been pleased to accept the literacy test as the governing test for enfranchisement. Literacy test with the Committee comes down only to school-final. Anyone who can read and write must be considered to be literate. The Committee ought to have enfranchised all literates inasmuch as we have got comparatively a very large percentage of literate voters in the State. We will find for a fact, Sir, that more than 85% of the extra number of voters that have gone into the list as a result

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of the reduction of the amount of tax to qualify for a vote will be illiterate and very old persons. Most of them are illiterate. Hereafter for the 5th election we are going to have a larger number of illiterate voters than we were having previously. Therefore the possibilities of invalid votes being cast are much greater for the 5th election. That being so if the colour box system helps us to do way with or to lessen at least the possibilities of invalid votes, for that reason, the colour box system must be accepted. My Hon'ble friend the Member for Revenue stated in his characteristic humorous way that the benefits are problematical, and the disadvantages are positive. I do not think that neither the members who preceded him nor himself made out a case of positive disadvantages. One such difficulty was mentioned as difficulty for identification in a future election petition. If the methods now in vogue give us a guide and help us in finding out the identity of the voter when an election petition arises, very well the very same system can be had in a colour box system also.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—The rules say that no mark shall be put upon the paper which will enable you to identify the voter.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—If there is such a rule;—but I believe there is none such—and we are going to copy that rule, that difficulty arises. But what compels us to copy that rule? As per instruction No. 14, issued by the Madras Government for the last election, we find there is a counterfoil book of the votes. There is a vote book having two foils. It is stated that the Presiding Officer should see that before the ballot paper is delivered to the elector the seal is affixed across the perforation between the foil and the counter foil and that the fore foil is to be given to the voter which he is to take inside the booth and deposit in the box having the colour and serial number of the candidate for whom the voter has come to vote. If in the counter foil the general number of the voter is noted and the ballot paper both the counterfoil and the forefoil are also numbered the identity of the voter on any future occasion is easily found out. That is exactly what is obtaining under the existing system also. Under the present system the voter coming to vote presents himself before the Clerk who is appointed to assist the Polling Officer. His identity is established. He is put questions. His name is identified through the Village Officer. His number and name as appearing in the Electoral roll are written down, he affixes his signature in that paper and that paper is taken to the Polling Officer. The Polling

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Officer notes the number marked in this sheet in the counterfoil of the ballot paper. The name also is noted in the counterfoil and the fore-foil initialled and the ballot paper is given. Both the counterfoil and the fore-foil are numbered. The same thing can be had under the colour box system also. So what I submit, Sir, is that although the learned Revenue Member has stated that the disadvantages are clearly established, I for one do not see the disadvantages at all. It is conceded that there are very many disadvantages under the present system. There is no controversy on that subject. As I submitted before if the colour box system helps us at least to lessen the number of invalid votes if not to do away with it altogether that is exactly the reason why we should go in for that system. My submission therefore is that this scandalous system of candidates or their agents marching along with the Polling Officer to the Polling booth should be put a stop to. I have felt it to be a disgrace to the Government that has introduced this system, to the candidate who stands for the election and even to the Agents. The existing system is a system that has to be done away with the earlier the better. I make a last appeal, Sir, to the Government that if for any reason they are not able to introduce the colour box system for the next election at least be pleased to help us by doing away with the provision now existing under rule 35 allowing a body of persons to march to the polling booth with a voter to see how he or she votes. That is the thing which the Government may be pleased to stop. Let us be at the mercy of one man i. e. the polling officer rather than be at the mercy of very many like the candidates or their agents. One hour's work on the day preceding the election at Mulakunnathukavu has been able, Sir, I know, to compel as many as 200 open votes being cast in two of the polling booths. That is the way in which electoral rules are abused. To introduce any system which will do away with such represensible methods is the prayer that I make to the Government. If the colour box system has that advantage, as I believe it has, by all means introduce that. The present, Sir, is a most represensible system. At present the voter is between two fires. There is the man who has brought him under threat, to force out an open vote; there is the man for whom he wants to vote. The agents of both are there. The man is in a fix. Such things are the results of your rule 35. Be pleased, at least to do away with that.

Mr. A. V. Moothedan *(Chalakkudi)*.—I must add one or two words. The whole position regarding the advantages and

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disadvantages of colour box system and the present system is very clear. The present system so far as the literate voters are concerned is perfect, because there is complete secrecy. The whole difficulty is with regard to illiterate voters. I perfectly agree that in the present system so far as illiterate voters are concerned, there is a lot of confusion. In some places the Polling officer said that both the agents should be present. In the presence of both agents the polling officer marked the paper. In some other places the Polling Officer marked the paper in the presence of the agent of the candidate in whose favour the vote is recorded. In this state of affairs, the suggestion made by the Hon'ble Member for Uragom is a decided improvement so far as illiterate voters are concerned. Therefore I suggest in the case of illiterate voters the colour box system may be adopted and in the case of the others the present system may be continued.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി (*Trichur South*).— സർ, ഇവിടെ നടന്ന വാദപ്രതിവാദങ്ങളിൽനിന്നും എനിക്കു മനസ്സിലായ ഒന്നു രണ്ടു സംഗതികൾ മാത്രം പറയാം. പുതിയതായിട്ടുള്ള വർണ്ണപ്പെട്ടി സമ്പ്രദായം ഇപ്പോൾ തുടങ്ങുകയാണെങ്കിൽ വോട്ടുചെയ്യുന്നതിന്റെ രഹസ്യം പുറത്താകുമെന്നാണ് ഒന്നാമതായി പറഞ്ഞുകേട്ടത്. ആ രഹസ്യം പരിപാലിക്കുവാൻ സാധിക്കുമെങ്കിൽ ഇപ്പോഴത്തേക്കാൾ നല്ലതായ ഒരു സംപ്രദായമായിരിക്കും ഈ വർണ്ണപ്പെട്ടി ഏർപ്പാട്. അതു സാധിക്കുമോ ഇല്ലയോ എന്നോ നോക്കുവാനുള്ളൂ. വോട്ടുചെയ്യുന്ന ആളുടെ കയ്യു മാത്രമല്ലാതെ മുഖം കാണുവാൻ പാടില്ലാത്ത തരത്തിൽ വേണ്ട ഏർപ്പാടുണ്ടായിരുന്നാൽ തീർച്ചയായും ഈ വർണ്ണപ്പെട്ടി സമ്പ്രദായം നടപ്പാക്കുവാൻ സാധിക്കും. രഹസ്യം പരിപാലിക്കണമെന്നുള്ളതാണ് മുഖ്യമായ ഉദ്ദേശം. അതു സാധിക്കുവാനുള്ള നിവൃത്തിമാർഗ്ഗം പലതുമുണ്ട്. ആ നിവൃത്തിമാർഗ്ഗങ്ങളുണ്ടാക്കിക്കഴിഞ്ഞാൽ ഇതിനുള്ള വിഷമതകൾ തീരുന്നതാണ്. ആളുടെ മുഖം കാണുവാൻ സാധിക്കാതെ കടലാസിടുന്നതുമാത്രം കാണുവാൻ കഴിയുന്ന വിധത്തിൽ വേണ്ട ഏർപ്പാടുകളുണ്ടായിരുന്നാൽ തീർച്ചയായും രഹസ്യം പാലിക്കാവുന്നതാണ്. മുമ്പിലത്തേക്കാളും വോട്ട വളരെ വർദ്ധിച്ചിട്ടുള്ളതുകൊണ്ടു വർണപ്പെട്ടി സംപ്രദായം നടപ്പാക്കിയാൽ കൂടുതൽ ആളുകളെക്കൊണ്ടു വോട്ടുചെയ്യിക്കുവാൻ സാധിക്കും. എന്നാൽ ബ്രിട്ടീഷിൽ നടപ്പിലിരിക്കുന്ന വർണപ്പെട്ടി സംപ്രദായമനുസരിച്ചു ഇവിടെയും നടപ്പാക്കണമെന്നില്ല. അതിൽ ആവശ്യമായ ചില വ്യത്യസ്തസംപ്രദായങ്ങൾകൂടിചെലുത്തുന്നതുകൊണ്ടു വിരോധമില്ല. പിന്നെ അന്ധന്മാർക്കുമാത്രമേ അതിൽ കുറച്ചൊരു ബുദ്ധിമുട്ടുള്ളൂ. വർണ്ണവ്യത്യാസത്തെക്കുറിച്ചു പറയുകയാണെങ്കിൽ അതു അറിയാൻ പാടില്ലാത്ത ആളുകൾ വളരെചുരുങ്ങും. നിറം മനസ്സിലാക്കുവാൻ ശക്തിയില്ലാത്തവിധം കണ്ണിനു കേടുള്ള

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അളുകൾ വളരെ കുറവാണെന്നാണ് എനിക്കു മനസ്സിലായിട്ടുള്ളതു്. അതുകൊണ്ടു വർണ്ണപ്പെട്ടി സംപ്രദായം അത്ര വലിയ വിഷമമായിട്ടുള്ള തെ ഏർപ്പാടല്ല. ബ്രിട്ടീഷിലെ വർണ്ണപ്പെട്ടി സംപ്രദായത്തിൽ അവ ശ്യമുള്ള ഭേദഗതികൾ വരുത്തി മൊത്തത്തിൽ അതിന്റെ സംപ്രദായം മാത്രമേ നമുക്കു സ്വീകരിക്കേണ്ടതുള്ളൂ. ഇത്രമാത്രമേ എനിക്കു പറയു ന്നവാളളൂ.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—I must make a correction. I stated that of the two votes in Mattanchery and Crangannur one must be given to the Muslim. That was the original proposal. It has been modified. As rules stand at present both the votes can be given to a non-Muslim. I am sorry that I made a mistake.

Mr. K. M. Kunhi Moideen *(Kattur).*—Both votes cannot be given to one candidate.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—No.

* **Mr. E. Ikkanda Warriar** *(Urakam).*—I am really surprised at the turn the discussion has taken. In fact I thought I would have only to read the resolution and ascertain the views of the Government and simply pass on. The discussion as it is would appear to be an imagination of all possible difficulties that stand in the way or that could be imagined about the introduction of the colour box system. It is admitted on all hands that the secrecy of the vote ought to be maintained at all costs. It is also admitted except by the Hon'ble Member for Mulakunnathukavu that the present system is highly objectionable and defective so far as the system of voting allowed to those who pretend themselves to be illiterate. The difficulties that would arise as regards the cumulative system of vote according to me would not arise. The main discussion that took place was about the system in vogue in British India. In fact I never heard of so many difficulties as was imagined to exist in that system as I heard in this Council. That election went on and there was no trouble at all. Not only here but also all over India this system was accepted. Certain marks were given to certain boxes, giving a separate box to each candidate. There has been absolutely no trouble with regard to that. They managed with thousands and thousands of voters and we heard only of a few exceptional cases of election petitions; from Allahabad and from no other place. That was the experience we had after the working of that system. It is

* Speech not corrected by the Hon'ble Member.

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admitted that the present system is defective and it is imagined that the new system may have defects. My resolution is not for the introduction of that system as a whole. It only amounts to this that different boxes will be given to different, candidates. Whether you give this colour, whether you give the name of an animal or a distinctive sign or a number, it does not matter. It must be so done as to enable an illiterate voter to exercise his votes without being influenced or coerced by other persons. That is what I wanted through my resolution. As far as that is concerned the main objection raised by various Hon'ble Members is that it is not possible to maintain the secrecy of voting because the looker-on will be able to see these persons. After all I do not think it is such a difficult thing. Technically it may be so. It may not be ruled out as an impossibility. But let us see whether as a matter of practice it would happen. Would anybody here contend that even the candidate knows the various persons who come and vote for him, that he is able to identify the various voters that come and vote for him? Is it possible for a looker-on—a looker on at Ernakulam may be a man from Trichur—who would be watching say 500 or 1000 voters through this small hole to identify all those persons and to keep a picture of those persons in mind without even knowing their names? I can only characterise it as an absurd position. It only shows the hollowness of the position taken by those members. What I say is difficulties can be raised. The object of this resolution is not to see what all difficulties could be raised to the introduction of the system of colour box voting. There is a real difficulty because of the rule 35 (1) which enables an illiterate voter to exercise his votes in the presence of either the candidate or his agents. It is admitted that most of the new voters will be illiterate than literate. Because even persons who pay a tax of a pie are given votes, it is not necessary that they should know to read and write. There will be really a practical difficulty and we who have actually taken part in the Council and Municipal elections have seen how people are influenced in elections. It is only after we felt these difficulties and as we find that this has been a better system which will prevent some of the difficulties that we find in the existing system that we wish to recommend this system to the acceptance of the Council. We raised this point in the last session of the Legislative Council, by a Question and if I remember aright the Diwan President told us that the main difficulty was the absence of any definite parties functioning in a Cochin State. Even that does not

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appear to me to be a difficulty. If that happens to be a condition precedent I would submit that the Government should reconsider their position whenever they find that people are contesting elections on party tickets. Even if the candidates stand on their own tickets is it after all very difficult? In any case you have to provide as many number of boxes as the candidates. The same thing takes place in British India. There were independent candidates in many constituencies and yet they were given separate colours. It would appear from the speeches of the Hon'be Member for Mulakunnathukavu that we will have to find out 200 different colours. It is not so. Our experience in the State shows that we have never seen more than 2 candidates, except perhaps in the first election when the rule as regards the lapse of the security money was not in force. After that I think to the best of my recollections there has not been a case where there has been more than 2 candidates. Let us take it that we have to find out 2 or 3 colours. There will be no difficulty in getting the various colours. Then there is the difficulty of keeping the secrecy of the votes because the looker-on will be able to see all these persons. It would appear that the looker on is a camera taking the photo of the voters. Unless that happens it is almost impossible to keep in mind how all these persons voted. It only exists in the imagination of some Honourable Members.

Dr. A. R. Menon *(Pallippuram).*—Can you remember at least one?

Mr. E. Ikkanda Warriar *(Urakam).*—Yes.

Dr. A. R. Menon *(Pallippuram).*—I am speaking of actual experience. Names of persons were enumerated by a peon who was the looker on.

Mr. E. Ikkanda Warriar *(Urakam).*—A peon will be making hundreds of assertions.

Dr. A. R. Menon *(Pallippuram).*—Why do you attribute motives?

Mr. E. Ikkanda Warriar *(Urakam).*—I never said about motives. Did I say that Dr. A. R. Menon said so and so? My friend imagines a lot of things and flies at me. There were other members who spoke. I do admit it is possible for the onlooker to identify 1 person or 5 or 10, but I would say that it

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would be almost difficult to do more than that. That will certainly disprove the proposition that this system of colour box voting is a perfect system which will keep complete secrecy of all persons who go there and vote. That has never been my case. As long as human mentality is what it is, it is impossible for any system to escape the ingenuity or the cleverness of man. I do not claim for this system that perfectness as they imagine but I do claim for this system that it is better in many respects than the system that is now in vogue. Many of them were mentioned by the Hon'ble Member for Pallippuram and I am glad to say that he has put it in a better language. The several points of advantages have also been made clear by the Hon'ble Member for Wadakancheri. I do not therefore propose to re-iterate all of them. I say that this is a better system. It is certainly an improvement on the existing system and it is up to the Government to try it. I am sure the Government will take note of all these and come to a decision. The reasons alleged by the Hon'ble Revenue Member that we have only four months and that there is no time to think of the new schemes are not right. I do not agree with him. This system has been worked out in Madras and the neighbouring provinces. They can get down the rules. I tell the Government by means of this resolution that there is a serious situation which has to be changed. This system appears to be a better one to us, which will give more secrecy of votes in a better way. I therefore do not think that in view of the different opinions that have been expressed in this Council it is necessary to press it to a division. The various aspects of the question are before the House. I am sure the Government will keep an open mind and see that the serious grievances that we the members felt will be redressed by making the necessary alterations. Before I conclude I wish to say that I am not very sanguine about the change of the rule to have the vote registered in the presence of Polling Officers alone. The Polling stations have been considerably increased and it would be very difficult to get persons of certain position as Polling Officers who will be above suspicion. They may act very honestly. But in the eagerness of the fight the people will be attributing motives. Under these circumstances I think some other methods should be adopted and I am sure the Government will take note of the existing grievances. I therefore beg leave of the House to withdraw the resolution.

Resolution was by leave withdrawn.

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